

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	8:08CR238
)	
vs.)	ORDER
)	
RAFAEL POSADAS,)	
)	
Defendant.)	

This matter is before the court on the motion of the government to continue the trial of this matter (Filing No. 40). Defendant Rafael Posadas (Posadas) opposes the motion (Filing No. 41). The government seeks a continuance of the trial scheduled for February 2, 2009, in order to complete some DNA analyses. Upon consideration, the motion will be granted and trial will be rescheduled **to March 2, 2009.**

The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B)(i) and (iv). However, no further continuances will be granted.

IT IS SO ORDERED.

DATED this 21st day of January, 2009.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge